

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DILLON AUTO SALES, INC.,

Plaintiff,

vs.

TERRY L. TROUTNER,

Defendant.

4:14CV104

ORDER

A pretrial conference was started on September 12, 2016, only two weeks after the court entered its ruling on the parties' cross-motions for summary judgment. At the time of the pretrial conference, the parties stated they had not discussed settlement in light of the court's summary judgment rulings. The pretrial conference was stayed and a settlement conference was set.

Having now reviewed the parties' respective settlement conference letters, the court notes the parties' positions remain very far apart. And no efforts have been made to narrow that gap since the parties' failed mediation, including after the court's summary judgment rulings refined and narrowed the issues for trial.

It appears the parties have been unwilling to discuss settlement unless ordered to do so and in the absence of court assistance. Under such circumstances, the likelihood of settlement is low, and the parties' and court's time would be better spent preparing for the pretrial conference.

Accordingly,

IT IS ORDERED:

- 1) The settlement conference, previously set for October 3, 2016, is cancelled.

2) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on October 3, 2016 at 3:00 p.m. Counsel shall use the telephonic and internet conferencing instructions assigned to this case, (see Filing No. 97), to participate in the conference. The court has retained the pretrial conference documents previously submitted to the court. Any changes or additions to the parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to zwart@ned.uscourts.gov, in either Word Perfect or Word format, by 5:00 p.m. on September 30, 2016.

September 29, 2016.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge